

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:14-CR-64 ALM/KPJ
	§	
GARRETT LEE MOROTT	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government’s request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 3, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Andy Williams.

On April 7, 2015, Defendant was sentenced by the Honorable Michael H. Schneider, United States District Judge, to a sentence to twenty one (21) months imprisonment followed by a three (3) year term of supervised release for the offense of Receiving a Firearm While Under Indictment. Defendant began his term of supervision on July 13, 2014. This case was transferred to the Honorable Amos L. Mazzant, III, on September 30, 2016.

On October 5, 2016, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 39). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (3) Defendant shall refrain from any unlawful use of a controlled substance; (4) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use,

distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician; (5) Defendant shall not leave the judicial district without the permission of the court or probation officer; (6) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five (5) days of each month; (7) Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer; (8) Defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer; (9) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer. Defendant shall pay any cost associated with the treatment and testing; and (10) Under the guidance and direction of the U.S. Probation Office, Defendant shall participate in any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider. Defendant shall pay any cost associated with the treatment and testing.

The Petition alleges that Defendant committed the following violations: (1) On September 23, 2016, Defendant was arrested by Allen, Texas, Police Department for Unlawful Possession of a Firearm by a Felon. Defendant is currently in custody in Collin County Jail with a bond amount of \$3,500; (2) On September 6, 2016, Defendant submitted a urine specimen which tested positive for methamphetamine. The specimen was confirmed positive by Alere Toxicology Services; (3) On August 13, 2016, the U.S. Probation Office was notified Defendant had contact with Greenville, Texas, Police Department which is outside the Eastern District of Texas. Defendant did not have permission from the Court or the probation officer to leave the judicial district; (4) Defendant failed

to submit monthly reports for July and August, 2016; (5) On September 23, 2016, Defendant associated with a person engaged in criminal activity. Defendant and Amanda Willingham were arrested together by Allen, Texas, Police Department. As noted above, Defendant was arrested for Unlawful Possession of a Firearm by Felon. Ms. Willingham was arrested for traffic violations, Possession of a Controlled Substance, methamphetamine, Possession of Drug Paraphernalia, Fraud Use/Possession of Identifiable Information of Elderly 5<10 items, and Unlawful Possession of Firearm by Felon; (6) Defendant was questioned by McKinney, Texas, Police Department on August 2, 2016, and Plano, Texas Police Department on August 16, 2016. Defendant failed to notify the probation office within seventy-two (72) hours of being questioned by these law enforcement agencies; (7) Defendant failed to submit to drug testing as directed on September 12, September 16, and September 21, 2016; and (8) On July 29 and August 11, 2016, Defendant failed to report to Fletcher Counseling, Plano, Texas, for a mental health assessment as directed.

At the hearing, Defendant entered a plea of true to allegations three (3) and four (4). Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the May 3, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day, with two (2) years supervised release to follow. The Court will recommend mental health treatment and drug treatment while in custody. The Court further recommends that Defendant's term of

imprisonment be carried out in FCI Lompoc, California, if appropriate.

SIGNED this 5th day of May, 2017.

A handwritten signature in black ink, appearing to read 'KLPJ', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE